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COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

In the Matter of the Interconnection Agreement Negotiations Between AT&T
COMMUNICATIONS OF NEW ENGLAND, INC., and NEW ENGLAND TELEPHONE AND TELEGRAPH
COMPANY, Pursuant to 47 U.S.C. § 252.

D. P. U. 96-80/81

COMMENTS BY AT&T COMMUNICATIONS OF NEW ENGLAND, INC., IN SUPPORT OF BELL ATLANTIC'S
MOTIONS FOR CONFIDENTIAL TREATMENT OF PERFORMANCE REPORTS

AT&T Communications of New England, Inc., on behalf of itself and all affiliated entities (collectively, "AT&T"), supports the request that carrier-specific performance reports filed with the Department be granted confidential treatment.

"Confidential, competitively sensitive, or other proprietary information" may be protected from public disclosure pursuant to G.L. c. 25, § 5D. The Department has recognized the information regarding a carrier's market share and business strategy is competitively sensitive, and that such information should be protected from disclosure in order to advance the goal of encouraging competition. See, e.g., D.P.U. 97-63 at 9 (1997) (protecting information regarding market share and business strategy from public disclosure); Hearing Officer's Ruling On the Motion of CMRS Providers for Protective Treatment and Requests for Non-Disclosure Agreement, D.P.U. 95-59B, at 7-8 (1997) (recognizing that competitively sensitive and proprietary information should be protected and that such protection is desirable as a matter of public policy in a competitive market).

The carrier-specific performance reports filed each month by Bell Atlantic-Massachusetts ("BA-MA") in the Consolidated Arbitrations proceeding show specific information regarding the kinds and quantities of unbundled network elements ("UNEs") ordered by each competitive local exchange carrier ("CLEC") from BA-MA. This information provides significant insight into a particular CLEC's strategy for market entry, as well as changes in its share of the local exchange market. Such information is highly competitively sensitive, as it could provide other carriers with unfair advantages in the marketplace.

Because of the highly competitively sensitive nature of such information, it should be treated confidentially by the Department. It would not be enough to redact the carriers' names before releasing these performance reports. Persons with a working knowledge of the state of the market could make highly educated guesses about which report is for which carrier, so that redaction of carriers' names would provide little protection against the disclosure of this competitively sensitive information.

WHEREFORE, the Department should grant BA-MA's request for confidential treatment of the carrier-specific performance reports filed to date, and any such reports filed in the future.

Respectfully submitted,

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Dated: October 15, 1999.

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the above document to be served upon the attorney of record for each other party on October 15, 1999.
